



Entered on Docket  
October 04, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

IN RE:	)	Case No.	BK-S-09-24688-lbr
	)	Chapter 11	
YAKUBIK, JOSEPH WILLIAM, and	)	Date:	September 29, 2010
YAKUBIK, DARCIE ANN	)	Time:	1:30 p.m.

**ORDER RE: INTERIM STIPULATION FOR ADEQUATE PROTECTION**

Pursuant to the Interim Stipulation for Adequate Protection by and between the Movants US BANK NATIONAL ASSOCIATION ("Creditor") and the Debtors Joseph William Yakubik and Darcie Ann Yakubik ("Debtors"), by and through their respective counsel of record, to provide adequate protection to the Creditor, on the following terms and conditions with regard to the real property located at 1448 MacDonald Ranch Drive, Henderson, NV 89012 (the "Property").

**IT IS HEREBY ORDERED ADJUDGED AND DECREED**, that the automatic stay shall remain in full force and effect on the Property for a period of six (6) months, conditioned upon the Debtor's performing the terms of the stipulation, as follows:

1           1.       The Motion is vacated conditioned up the Debtor's compliance with the terms of this  
2 Order.

3           2.       Debtors shall make monthly adequate protection payments to Creditor commencing  
4 October 1, 2010 estimated in the amount of \$6,865.00 consisting of net rental proceeds as follows:

5	Monthly Rent:	\$7,500.00
6	Management Fee:	(\$250.00)
7	HOA Dues:	(\$275.00)
	Pool Service:	(\$110.00)
	Net Proceeds:	\$6,865.00

8           3.       The acceptance of these funds will not prejudice any of the rights of US BANK  
9 NATIONAL ASSOCIATION, including the right to object to confirmation and/or oppose any  
10 valuation of the Property.

11          4.       Debtors shall promptly confirm their Chapter 11 Plan.

12          5.       For so long as the automatic stay applies to the subject property, if Debtors default  
13 on any provision contained in paragraphs 1, 2, and/or 3, inclusive of this Order, Creditor shall  
14 provide written notice to Debtors at PO Box 530778, Henderson, NV 89053 and to Stacy Rocheleau,  
15 Esq., at 375 N. Stephanie Street, Building 2, Henderson, Nevada 89074, Debtors' attorneys of  
16 record, indicating the nature of the default. If Debtors fail to cure the default after the passage of  
17 thirty (30) calendar days from the date written notice is placed in the mail, then Creditor may file  
18 an ex parte Declaration of Non-Cure and an Order terminating automatic stay, the automatic stay  
19 shall be immediately terminated as to Creditor and Creditor may proceed to foreclose its security  
20 interest in the Property under the terms of the Note and Mortgage and pursuant to applicable state  
21 law and thereafter commence any action necessary to obtain complete possession of the Property  
22 without further order or proceeding of this Court.

23          5. In the event that Creditor is granted Relief from the Automatic Stay, the parties  
24 hereby stipulate that the 14-day stay provided by Bankruptcy Rule 4001(a)(3) is waived.

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1 6. In the event that the Debtors default under this Stipulation and Creditor forwards a  
2 30-day letter to Debtors, they shall be required to tender \$75.00 for each default letter submitted  
3 in order to cure the default.

4 Dated this 29 day of September, 2010.

Dated this 29 day of September, 2010.

5 WILDE & ASSOCIATES

6 ROCHELEAU LAW GROUP

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